IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUIT NO.636 OF 1987

Mrs.Bhagwati Nathwarlal Damani. ...Plaintiff.
Vs.
Natwarlal Premchand Damani. ...Defendant.
....
Mr. K. A. Shah for the Plaintiff.
Mr. G.S. Hegde for the Defendant.
.....

CORAM : DR.D.Y.CHANDRACHUD, J.

July 27, 2006.

P.C.

The Plaintiff seeks a declaration in respect of her ownership in respect of certain immovable properties and a decree for possession. The contention of the Plaintiff is that the residential flat was in fact, purchased by her mother at the time of her marriage; the Plaintiff resided therein as her matrimonial home after the marriage between the Plaintiff and the Defendant and that she was driven out of the flat owing to matrimonial dispute. Having regard to the averments contained in the plaint and the relief, it is abundantly clear that the jurisdiction lies with the Family Court. The suit accordingly stands transferred to the Family Court. No Written Statement has been filed by the Defendant. Since the

jurisdiction to entertain and decide the suit lies with the Family Court, the Family Court should decide as to whether permission should be granted to the Defendant to file the Written Statement and the order dated 30th June 2006 shall not preclude the Court from considering such request.

Affidavit of documents together with the file containing documents is returned to the Plaintiff so as to enable her to tender the same before the Family Court.

Having regard to the long pendency of the suit, the Family Court is requested to endeavour to dispose of the suit expeditiously preferably by the end of the year 2006. Parties are directed to appear before the Family Court for receiving directions on 14th August 2006 and it is agreed that no further notice is to be given.

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